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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group: 1651  
Customer No. 23643  
Confirmation No.: 1287  
Application No.: 10/775,647  
Invention: **Gastric Submucosal Tissue As A  
Novel Diagnostic Tool**  
Applicant: Badylak, et al.  
Filed: February 10, 2004  
Attorney Docket: 3220-74581  
Examiner: Vera Afremova

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on July 19, 2006

Rebecca Ball  
(Signature)

Rebecca L. Ball

(Printed Name)

**NOTICE OF APPEAL**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants requested and paid the fee for a three-month extension of time in the response filed in this application on July 13, 2006, extending the due date for filing this Notice of Appeal to July 19, 2006.

Claims 4-15 are pending in this application. A final rejection of claims 4-15 was mailed from the U.S. Patent and Trademark Office on January 19, 2006. Applicants hereby appeal the Examiner's rejection of claims 4-15. Although the Examiner indicated that she would re-open prosecution of this application in a phone interview with Applicants' undersigned attorney on July 17, 2006, based on the response filed on July 13, 2006, Applicants are filing this Notice of Appeal to preserve their rights.

Enclosed is a check for \$500.00 in payment of the fee specified under 37 C.F.R. § 41.20 for filing this Notice of Appeal. Applicants believe that no other fees are required. If any additional fees are required, the Commissioner is hereby authorized to charge any additional amounts, or to credit any overpayment, to our Deposit Account No. 10-0435, with reference to our matter number 3220-74581. A duplicate copy of this Notice is enclosed for this purpose.

Respectfully submitted,

A handwritten signature in black ink that reads "Rebecca Ball". The signature is written in a cursive, flowing style.

Rebecca L. Ball  
Registration No. 46,535  
Attorney for Applicants

RLB:wlb  
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